

# Exhibit 3

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### US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 07-15447

Filed: 3/22/07

Nsuit: 3820 Copyright (Fed)

Berry v. Dillon, et al

Appeal from: District of Hawaii (Honolulu)

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Case type information:

- 1) civil
- 2) private
- 3)

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Lower court information:

District: 0975-1 : CV-03-00385-SOM

presiding judge: Susan Oki Mollway, District Judge

Date Filed: 7/22/03

Date order/judgment: 3/2/07

Date NOA filed: 3/14/07

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Fee status: paid-----  
Prior cases:

None

## Current cases:

	Lead	Member	Start	End
companion:				
	06-16199	07-15447	3/22/07	
cross appeal:				
	07-15447	07-15587	4/11/07	
	07-15447	07-15588	4/11/07	

Docket as of April 11, 2007 11:27 pm

Page 1

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07-15447 Berry v. Dillon, et alWAYNE BERRY, a Hawaii citizen  
Plaintiff - AppellantTimothy J. Hogan, Esq.  
808/528-0100  
#1405  
[COR LD NTC ret]  
Lynch Ichida Thompson & Kim  
1132 Bishop Street  
Honolulu, HI 96813

v.

MARK DILLON  
Defendant - AppelleeLyle S. Hosoda, Esq.  
FAX 808/524-3838  
808/524-3700

Suite 804  
[COR LD NTC ret]  
Christopher T. Chun, Esq.  
808-524-3700  
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Queen Street Building  
345 Queen Street  
Honolulu, HI 96813

TERESA NOA  
Defendant - Appellee

Lyle S. Hosoda, Esq.  
(See above)  
[COR LD NTC ret]  
Christopher T. Chun, Esq.  
(See above)  
[COR LD NTC ret]

BRIAN CHRISTENSEN  
Defendant - Appellee

Lyle S. Hosoda, Esq.  
(See above)  
[COR LD NTC ret]  
Christopher T. Chun, Esq.  
(See above)  
[COR LD NTC ret]

FLEMING COMPANIES, INC., an  
Oklahoma Corporation  
Defendant - Appellee

Ann Teranishi  
808/539-8700  
Suite 2600  
[COR LD NTC ret]  
Kobayashi Suita & Goda  
First Hawaiian Center  
999 Bishop St.  
Honolulu, HI 96813-3889

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[COR LD NTC ret]  
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Docket as of April 11, 2007 11:27 pm

Page 2

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07-15447 Berry v. Dillon, et al

Los Angeles, CA 90017-5800

C & S LOGISTICS OF HAWAII, LLC,  
a Delaware LLC  
Defendant - Appellee

Ann Teranishi  
(See above)  
[COR LD NTC ret]

C & S WHOLESALE GROCERS, INC.,  
a Vermont Corporation  
Defendant - Appellee

Ann Teranishi  
(See above)  
[COR LD NTC ret]

C & S ACQUISITIONS, LLC

Ann Teranishi

Defendant - Appellee

(See above)  
[COR LD NTC ret]

RICHARD COHEN, a New Hampshire  
citizen

Defendant - Appellee

Thomas H.Y.P. Yee, Esq.  
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Suite 2600  
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KOBAYASHI SUGITA & GODA  
999 Bishop St  
Honolulu, HI 96813-3889

ES3 LLC, a Delaware Limited  
Liability Company

Defendant - Appellee

Thomas H.Y.P. Yee, Esq.  
(See above)  
[COR LD NTC ret]

MELVIN PONCE, Hawaii citizen  
Defendant - Appellee

Lyle S. Hosoda, Esq.  
(See above)  
[COR LD NTC ret]  
Christopher T. Chun, Esq.  
(See above)  
[COR LD NTC ret]

SONIA PURDY, Hawaii citizen  
Defendant - Appellee

Lyle S. Hosoda, Esq.  
(See above)  
[COR LD NTC ret]  
Christopher T. Chun, Esq.  
(See above)  
[COR LD NTC ret]

JUSTIN FUKUMOTO, Hawaii  
citizen  
Defendant - Appellee

Lyle S. Hosoda, Esq.  
(See above)  
[COR LD NTC ret]  
Christopher T. Chun, Esq.  
(See above)  
[COR LD NTC ret]

AFREDDA WAIOLAMA, Hawaii  
citizen  
Defendant - Appellee

Lyle S. Hosoda, Esq.  
(See above)  
[COR LD NTC ret]  
Christopher T. Chun, Esq.  
(See above)  
[COR LD NTC ret]

Docket as of April 11, 2007 11:27 pm

Page 3

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07-15447 Berry v. Dillon, et al

JACQUILINE RIO, Hawaii citizen  
Defendant - Appellee

Lyle S. Hosoda, Esq.  
(See above)  
[COR LD NTC ret]  
Christopher T. Chun, Esq.  
(See above)  
[COR LD NTC ret]

GUIDANCE SOFTWARE, LLC, a  
California LLC

Margery S Bronster  
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Defendant - Appellee

[COR LD NTC ret]  
BRONSTER, CRABTREE & HOSHIBATA  
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MICHAEL GURZI, a California  
citizen

Defendant - Appellee

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Honolulu, HI 96813

John Patzakakis, Esq.  
(See above)  
[COR LD NTC ret]

Docket as of April 11, 2007 11:27 pm

Page 4

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07-15447 Berry v. Dillon, et al

WAYNE BERRY, a Hawaii citizen

Plaintiff - Appellant

v.

MARK DILLON; TERESA NOA; BRIAN CHRISTENSEN; FLEMING  
COMPANIES, INC., an Oklahoma Corporation; C & S LOGISTICS OF  
HAWAII, LLC, a Delaware LLC; C & S WHOLESALE GROCERS, INC.,  
a Vermont Corporation; C & S ACQUISITIONS, LLC; RICHARD  
COHEN, a New Hampshire citizen; ES3 LLC, a Delaware Limited  
Liability Company; MELVIN PONCE, Hawaii citizen; SONIA  
PURDY, Hawaii citizen; JUSTIN FUKUMOTO, Hawaii citizen;  
AFREDDA WAIOLAMA, Hawaii citizen; JACQUILINE RIO, Hawaii  
citizen; GUIDANCE SOFTWARE, LLC, a California LLC; MICHAEL  
GURZI, a California citizen

Defendants - Appellees

Docket as of April 11, 2007 11:27 pm

Page 5

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07-15447 Berry v. Dillon, et al

3/22/07 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): n. setting schedule as follows: appellant's designation of RT is due 3/26/07; appellee's designation of RT is due 4/3/07,, ; appellant shall order transcript by 4/13/07; court reporter shall file transcript in DC by 5/14/07; certificate of record shall be filed by 5/21/07 ; appellant's opening brief is due 7/2/07; appellees' brief is due 7/30/07,, ; appellants' reply brief is due 8/13/07; [07-15447] (kkw) [07-15447]

3/22/07 Filed Timothy J. Hogan for Appellant Wayne Berry in 07-15447 Civil Appeals Docketing Statement served on 3/14/07 (to CONFATT) [07-15447] [07-15447] (kkw) [07-15447]

4/11/07 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): y. setting cross appeal briefing schedule as follows: CADS is past due; CADS must be filed no later than 4/18/07 ; first cross-appeal brief is due 7/2/07 ; second cross-appeal brief is due 8/1/07 ; third cross-appeal brief is due 9/4/07 optional cross-appeal reply brief is due 9/18/07 [07-15588, 07-15447, 07-15587] (kkw) [07-15447 07-15587 07-15588]

Docket as of April 11, 2007 11:27 pm

Page 6

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